

Message Text

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PAGE 01 STATE 200991

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LIMDIS

FOLLOWING REPEAT GENEVA 5014 ACTION SECSTATE INFO ATHENS

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20 SEPT

QUOTE

C O N F I D E N T I A L GENEVA 5014

LIMDIS

E.O. 11652: GDS

TAGS: OCON, ECOSOC

SUBJ: HUMAN RIGHTS; UN SUBCOMMISSION ON PREVENTION DIS

CRIMINATION AND PROTECTION MIN-
ORITIES

1. BY VOTE 12 (US EXPERT, A. CARTER)

TO 1 (SOV EXPERT) WITH 1 ABSTENTION (UK EXPERT) AND 2 NOT

PARTICIPATING (GREEK, CHILEAN EXPERTS), SUBCOMMISSION

ADOPTED CONFIDENTIAL RES (DOC E/CN 4/SUB 2/R.8) ON

ITEM 8, "COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 200991

OF WORKING GROUP ESTABLISHED UNDER SUBCOM RES 2 (XXIV)

IN ACCORDANCE ECOSOC RES 1503 (XLVIII)". RES CITES 8 COUNTRIES FOR HUMAN RIGHTS VIOLATIONS. PROCEDURAL QUESTION WHETHER TO ADOPT RES OR REPORT DECIDED BY VOTE OF 10 (CARTER) TO 9 WITH 2 ABSTENTIONS. MOVE TO ADOPT UNCONFIDENTIAL RES DEFEATED BY TIE VOTE (CARTER IN FAVOR).

2. UPON RECOMMENDATION WG ESTABLISHED REVIEW PETITIONS FROM GROUPS AND INDIVIDUALS ALLEGING GROSS HUMAN RIGHTS VIOLATIONS, AND IN ACCORDANCE ECOSOC RES 1503, RES REFERS VIOLATIONS IN FOLLOWING COUNTRIES TO HRC: PORTUGAL, IRAN, BRAZIL, BURUNDI, GUYANA, INDONESIA, TANZANIA, AND UK. CITATIONS AND ANY HRC INVESTIGATIONS THEREOF STRICTLY CONFIDENTIAL UNTIL HRC MAY DECIDE MAKE RECOMMENDATIONS TO ECOSOC. LIST IS FIRST SINCE PROCEDURE ESTABLISHED IN 1970 BY ECOSOC RES 1503. IN ADDITION, RES REQUESTS SYG INFORM CHINA, CUBA, CZECHOSLOVAKIA, GREECE, POLAND, SOUTH AFRICA, USSR, UK AND US OF IMPORTANCE ATTACHED TO REPLIES SUBMITTED ON PETITIONS RE ARTICLE 13 (RIGHT TO LEAVE AND RETURN TO ONE'S COUNTRY) UNIVERSAL DECLARATION HUMAN RIGHTS. RES INSTRUCTS WG RECONSIDER NEXT YEAR COMMUNICATIONS RE ALLEGED HUMAN RIGHTS VIOLATIONS IN TERRITORIES OCCUPIED BY ISRAEL (PARAS 11 AND 14 WG REPORT, DOC.E/CN.4/SUB.2/R.7, RESTRICTED). SUBCOMMISSION VOTED ONLY ON VIOLATIONS SUBMITTED FOR CONSIDERATION FOR WG IN 1972 REPORT, EXCEPT FOR GREEK CASE.

3. CASE BY CASE VOTE FOLLOWS:

A. GREECE (TORTURE, DETENTION WITHOUT TRIAL). MOTION BRING GREEK CASE BEFORE SUBCOMMISSION DEFEATED 5 (CARTER), TO 12 WITH 3 ABSTENTIONS. WG HAD SUBMITTED CASE LAST SESSION, WHEN NO CASES WERE ACTED UPON BY SUBCOMMISSION. WG DECIDED THIS SESSION, THROUGH TIE VOTE RESULTING FROM ABSENCE MEXICAN EXPERT, NOT RESUBMIT GREEK CASE THIS YEAR. ISSUE WAS WHETHER WG HAS AUTHORITY DROP CASE ONCE IT HAS BEEN SUBMITTED TO SUBCOMMISSION.

B. PORTUGAL (MASSACRE, TORTURE), BY VOTE OF 19 (CARTER) TO 0, WITH 4 ABSTENTIONS.
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PAGE 03 STATE 200991

C. IRAN (SUMMARY EXECUTIONS AND MISTREATMENT POLITICAL PRISONERS), BY VOTE 14 (CARTER) TO 1, WITH 8 ABSTENTIONS.

D. BRAZIL (TORTURE, DETENTION WITHOUT TRIAL), BY VOTE OF 20 (CARTER) TO 1 (USSR EXPERT) WITH 2 ABSTENTIONS.

3. BURUNDI (MASSACRE) BY VOTE OF 19 (CARTER) TO 1,
WITH 3 ABSTENTIONS.

F. GUYANA (DISCRIMINATION AGAINST MAJORITY WHO ARE
OF EAST INDIAN ORIGIN), BY VOTE OF 12 TO 2 (CARTER), WITH
9 ABSTENTIONS.

G. INDONESIA (DETENTION AND EXILE OF POLITICAL PRISONERS
WITHOUT TRIAL), BY VOTE OF 13 TO 1 WITH 10 ABSTENTIONS
(CARTER).

H. TANZANIA (FORCED MARRIAGES ON ZANZIBAR), BY VOTE
OF 9 TO 4 (CARTER) WITH 10 ABSTENTIONS.

I. UK (TORTURE AND ILLEGAL METHODS INTERROGATION
DETAINEES IN NORTH IRELAND CONFLICT), BY VOTE 9 TO 3 WITH
11 ABSTENTIONS (CARTER).

4. COMMENT: AMB CARTER VOTED YES ON PORTUGAL, IRAN,
BRAZIL, AND BURUNDI BECAUSE CASES WELL DOCUMENTED, SERIOUS
AND GOVTS HAD NOT REPLIED TO LIST OF PETITIONS FURNISHED
BY SYG UNDER ECOSOC RES 1503 ALTHOUGH THEY HAD HAD ADEQUATE
TIME TO DO SO. CARTER VOTED NO ON TANZANIA BECAUSE EF-
FECTIVE NATIONAL MEASURES HAVE BEEN TAKEN TO STOP FORCED
MARRIAGES. IN CASES GUYANA AND INDONESIA GOVTS HAD NOT
BEEN GIVEN ADEQUATE TIME TO REPLY AND GUYANA CASE NOT
PARTICULARLY WELL DOCUMENTED. UK HAS TAKEN NATIONAL
MEASURES CORRECT SITUATIONS RE DETAINEES BUT DID NOT REPLY
TO SYG'S REQUEST FOR INFO ON SITUATION; THEREFORE CARTER
ABSTAINED. HAD GREEK CASE BEEN BROUGHT BEFORE SUBCOM-
MISSION, CARTER WOULD HAVE VOTED NO BECAUSE NATIONAL
MEASURES HAD BEEN TAKEN BUT HE VOTED YES ON PROCEDURAL
PRINCIPLE WG NOT IMPROVED OMIT VIOLATIONS SUBMITTED FOR
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PAGE 04 STATE 200991

CONSIDERATION IN PREVIOUS YEAR WHICH HAVE NOT BEEN CON-
SIDERED BY SUBCOMMISSION WHICH HAS FINAL AUTHORITY
DECIDE WHICH CASES SHOULD BE VOTED UPON. SMIRNOV (USSR)
VOTED NO ON RES AS WHOLE AND EVERY CASE EXCEPT PORTUGAL,
MAKING CLEAR HIS DISTASTE FOR PROCEDURE CITING SPECIFIC
GOVTS FOR HUMAN RIGHTS VIOLATIONS. END COMMENT

5. COMPOSITION WG TO REVIEW PETITIONS BEFORE 27TH SESSION
SUBCOMMISSION AS FOLLOWS: MRS QUESTIAUX, FRANCE (CURRENT
CHAIRMAN); MR PRIZADA, PAKISTAN; MR SEKYIAMAH, GHANA;
MR SMIRNOV, USSR; MR GROS ESPIELL, URUGUAY. QUESTIAUX
CONSIDERED TO HAVE PERFORMED EXCELLENTLY; THEREFORE WEO
GROUP DECIDED TO RE-NOMINATE HERE.
BASSIN UNQUOTE KISSINGER

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